

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 09/866,610

**REMARKS**

Claims 1-15 are all the claims pending in the application.

Review and reconsideration on the merits are requested.

Applicants follow the paragraphing of the Examiner.

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**Paragraph 1**

Applicants appreciate the Examiner acknowledging receipt of their priority papers.

**Paragraph 2**

A substitute specification is submitted herewith and is accompanied by a statement that the substitute specification contains no new matter and a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

**Paragraph 3**

The improper dependency of claims 9-10 is corrected.

**Paragraph 4**

The term "functional material" is replace with the four specific materials recited at the bottom of page 11.

Withdrawal of all requirements/objections/rejections is requested.

**Paragraphs 5 and 6**

Formal.

The prior art: U.S. Patent 4,511,592 Percel et al (Percel); U.S. Patent 5,798,252 Hobson et al (Hobson).

Paragraph 7

Claims 1-8 and 11-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Percel in view of Hobson.

~~The above rejection is respectfully traversed.~~

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The Examiner's reading and application of the prior art is set forth in the Action and will not be repeated here except as necessary to an understanding of Applicants' traversal which is now presented.

As the Examiner states, Percel uses yeast as a core, i.e., yeast is coated with core particles. In distinction, in accordance with the present invention the yeast of the present invention is used as one component for coating. Thus, Percel does not teach or suggest this aspect of the present invention.

Hobson may disclose an enzyme treated yeast cell wall material that is used as an encapsulating agent. However, the purpose of "encapsulation" in Hobson is to include an essential oil and the pigment into what appears to be one yeast cell. Thus, quite clearly the "encapsulation" in Hobson does not mean coating the whole of the core. In distinction, in accordance with the present invention, the coating agent of the present invention is to coat the whole of the core.

Further, the coating agent of the present invention is a mixture of pullulan or the like, trihalose or the like, in addition to a fractionated yeast cell wall, i.e., the coating agent of the present invention is not a mere yeast cell wall. The unexpected superior effects of the

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combination for the coating agent of the present invention is shown in the specification of the present application.

Quite clearly the rejection over Percel in view of Hobson does not suggest the present invention, and Applicants respectfully request withdrawal of that rejection.

Applicants believe that the above arguments appropriately apply to all of independent claims 1, 4 and 11.

Applicants emphasize the nature of the coating material of the present invention in claims 1, 4 and 11. Basis occurs at, for example, page 18, lines 12-15. If the Examiner feels some other language would be more appropriate to emphasize this aspect of the present invention, the Examiner is requested to contact the undersigned at the later given local telephone exchange.

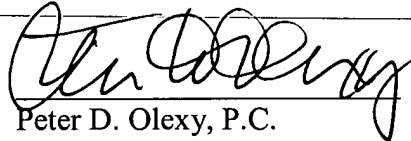
New dependent claims are added reciting the Markush group of the independent claims with the deletion of starch hydrolyzates.

As a miscellaneous point:

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Applicants will shortly file a substitute Declaration correcting the spelling of the first  
Inventor's name which should be changed from "Nobumasa Hirai" to --Nobuhisa Hirai--.

Respectfully submitted,



Peter D. Olexy, P.C.  
Registration No. 24,513

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

Date: January 27, 2003

**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

**The specification is changed as follows:**

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Please substitute the attached SUBSTITUTE SPECIFICATION for the original specification filed May 30, 2001.

**IN THE CLAIMS:**

**The claims are amended as follows:**

1. (Amended) A coating material comprising a fractionated yeast cell wall and at least one member selected from the group consisting of viscous polysaccharides, oligosaccharides, hardened fats and oils, waxes, sugar alcohols and starch hydrolyzates, said coating material, when applied to the exterior of a core substance, forming a layer of the coating material which covers the core substance as a discrete layer.

4. (Amended) A coated powder comprising a core substance in a powdery or granular form of 30 to 3000  $\mu\text{m}$  in an average particle size having been coated with 0.05 to 1.5 parts by weight of a coating material comprising a fractionated yeast cell wall and at least one member selected from the group consisting of viscous polysaccharides, oligosaccharides, hardened fats and oils, waxes, sugar alcohols per 1 part by weight of said core substance, said coating material being applied to the exterior of the core substance so as to form a layer of the coating material which covers the core substance as a discrete layer.

7. (Twice amended) The coated powder as described in claim 4, wherein the core substance is a flavor composition, a color material, an acidity regulator, a seasoning, a sweetener, a spice, a vitamin, [a functional material] a powdered form of polyphenols of perilla extract or buckwheat, propolis, royal jelly, or a mixture of two or more of them.

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9. (Twice amended) A food or beverage composition which comprises the coated powder described in ~~any one of claims~~ [4 to 8 and 12 to 15] 4, 5, 6, 7, 8, 12, 13, 14 or 15.

10. (Twice amended) A perfumy cosmetic composition which comprises the coated powder described in ~~any one of claims~~ [4 to 8 and 12 to 15] 4, 5, 6, 7, 8, 12, 13, 14 or 15.

11. (Amended) A process for producing a coated powder, which comprises spraying a solution of a coating material comprising a fractionated yeast cell wall and at least one member selected from the group consisting of viscous polysaccharides, oligosaccharides, hardened fats and oils, waxes, sugar alcohols and starch hydrolyzates against a core substance in a powdery or granular form of 30 to 3000  $\mu\text{m}$  in an average particle size under stirring or in a fluidized state to thereby coat the core substance with 0.05 to 1.5 parts by weight of the coating material per 1 part by weight of said core substance, said coating material being applied to the exterior of the core substance so as to form a layer of the coating material which covers the core substance as a discrete layer.

12. (Amended) The coated powder as described in claim 5, wherein the core substance is a flavor composition, a color material, an acidity regulator, a seasoning, a sweetener,

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a spice, a vitamin, [a functional material] a powdered form of polyphenols of perilla extract or buckwheat, propolis, royal jelly, or a mixture of two or more of them.

13. (Amended) The coated powder as described in claim 6, wherein the core substance is a flavor composition, a color material, an acidity regulator, a seasoning, a sweetener, a spice, a vitamin, [a functional material] a powdered form of polyphenols of perilla extract or buckwheat, propolis, royal jelly, or a mixture of two or more of them.

**Claims 14-16 are added as new claims.**